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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.														
10/767,785	01/29/2004	Carl Edward Werner	2003-0210	5857														
7590 Mr. S.H. Dworetsky AT&T Corp. PO Box 4110 Middletown, NJ 07748		09/18/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">WON, MICHAEL YOUNG</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2155</td><td></td></tr><tr><td colspan="2"><table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>09/18/2007</td><td>PAPER</td></tr></table></td></tr></table>		EXAMINER		WON, MICHAEL YOUNG		ART UNIT	PAPER NUMBER	2155		<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>09/18/2007</td><td>PAPER</td></tr></table>		MAIL DATE	DELIVERY MODE	09/18/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/767,785

Applicant(s)

WERNER, CARL EDWARD

Examiner

Michael Y. Won

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2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/29/04 & 8/08/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to the application filed January 29, 2004.
2. Claims 1-11 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 6, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Mendiola et al. (US 6,920,478).

### **INDEPENDENT:**

As per **claim 1**, Mendiola teaches an arrangement for transmitting electronic updates/alerts over a data network to a plurality of data network system users, the arrangement comprising:

a website update/alert administrator, coupled to the data network, for receiving update or alert messages from said network (see Fig.1, #13), said website update/alert administrator including a database of instant messaging (IM) groups and a listing

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targeting various IM groups to associate with different types of updates and alerts (see Fig.1, #112 and col.6, lines 36-42: "stores an activity status for each user of the IM system"), the administrator including a transmission element for sending an automated IM to each member of each targeted IM group, the automated IM including the update/alert message information (see col.10, lines 9-12: "being provided with a list of online buddies").

As per **claim 6**, Mendiola teaches a method of transmitting update/alert messages over a data network to a plurality of data network system users, the method comprising the steps of:

a) receiving, at a website administrator, an update/alert message to be sent to a plurality of system users (see col.6, lines 43-47: "to continuously monitor user activity with the IM server and to continuously update the activity status of users");

b) using the message information, retrieving a targeted listing of IM groups to whom the update/alert message should be sent (see col.6, lines 47-49: "whenever the monitoring means detects user activity, it notes the activity, flags the user, and timestamps the event"); and

c) transmitting the update/alert message as an automated IM to each member of each targeted IM group (see col.10, lines 9-12: "being provided with a list of online buddies").

**DEPENDENT:**

As per **claim 5**, which depends on claim 1, Mendiola further teaches wherein the automated IM includes a request for acknowledge of receipt by each IM group member

to confirm that each member of the IM group has received the update/alert (see col.9, line 63 – col.10, lines 1).

As per **claim 10**, which depends on claim 6, Mendiola further teaches wherein the automated IM message transmitted in step c) includes a request to acknowledge receipt of the message by each IM group member by transmitting a confirmation reply message to the website administrator (see col.9, line 63 – col.10, lines 1).

As per **claim 11**, which depends on claim 10, Mendiola further teaches wherein the method further comprises the step of: g) associating each received acknowledgement with a proper IM group member to determine which IM groups have received the update/alert and which IM group members have not received the update/alert (see col.9, line 63 – col.10, lines 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendiola et al. (US 6,920,478) in view of Aravamudan et al. (US 6,301,609).

As per **claim 2**, which depends on claim 1, although Mendiola further teaches wherein the website update/alert administrator further includes an email version of an update/alert is sent (see col.5, lines 18-20), Mendiola does not explicitly teach a listing

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of email addresses for each member of each IM group, wherein an email version of an update/alert is sent if a member is not involved in the IM session at the time the automated IM is sent.

Aravamudan teaches a listing of email addresses for each member of each IM group (see col.6, lines 15-29), wherein an email version of an update/alert is sent if a member is not involved in the IM session at the time the automated IM is sent (see col.7, lines 23-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mendiola in view of Aravamudan by implementing a listing of email addresses for each member of each IM group, wherein an email version of an update/alert is sent if a member is not involved in the IM session at the time the automated IM is sent. One would be motivated to do so because secondary means of notification allows user to interface with important or urgent associates (see Aravamudan: col.2, lines 42-48).

As per **claim 3**, which depends on claim 2, Mendiola in combination with Aravamudan further teach wherein the email version of the update/alert requests an acknowledge reply from each IM group member receiving the email version of the update/alert (see Mendiola: col.9, line 63 – col.10, lines 1).

As per **claim 7**, which depends on claim 6, Mendiola further teaches wherein the method further comprises the steps of:

d) determining if any members of any targeted groups are not involved in the IM session at the time the automated IM is sent (see col.3, lines 16-22); and, if so,

e) retrieving the email address of a user (see col.5, lines 18-20); and  
f) transmitting an email version of the automated IM to a user (see col.5, lines 18-20).

Mendiola does not explicitly teach that the retrieving and transmitting of the email is sent to each user not involved in the IM session.

Aravamudan teaches retrieving and transmitting of the email is sent to each user not involved in the IM session (see col.7, lines 23-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mendiola in view of Aravamudan by implementing retrieving and transmitting of the email is sent to each user not involved in the IM session. One would be motivated to do so because secondary means of notification allows user to interface with important or urgent associates (see Aravamudan: col.2, lines 42-48).

As per **claim 8**, which depends on claim 7, Mendiola further teaches wherein the transmitted email version includes a request for each user to transmit a confirmation reply message (see Mendiola: col.9, line 63 – col.10, lines 1).

5. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendiola et al. (US 6,920,478) in view of Dalal et al. (US 2002/0065894).

As per **claims 4 and 9**, which respectively depend on claims 1 and 6, Mendiola does not explicitly teach wherein automated IM includes a trailer portion indicating that the IM is "automated" and "cannot be responded to".

Dalal teaches automated IM includes a trailer portion indicating that the IM is "automated" and "cannot be responded to" (see page 1, [0008]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mendiola in view of Dalal so that an automated IM includes a trailer portion indicating that the IM is "automated" and "cannot be responded to". One would be motivated to do so because Mendiola teaches of notifying users of online buddies (see col.10, lines 9-12) and because the content of the message is subjective.

### ***Conclusion***

6. For the reasons above, claims 1-11 have been rejected and remain pending.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

September 10, 2007